

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|----------------------------|---|------------------------------|
| MICHAEL J. PENDLETON, | : | |
| Petitioner, | : | |
| v. | : | Case No. 3:02-cv-168-KRG-KAP |
| RAYMOND J. SOBINA, WARDEN, | : | |
| S.C.I. SOMERSET, | : | |
| Respondent | : | |

MEMORANDUM ORDER

Petitioner's most recent motion for relief from judgment under Fed.R.Civ.P. 60, docket no. 32, was referred to Magistrate Judge Keith A. Pesto in accordance with 28 U.S.C. § 636(b)(3) and Local Rule 72 for Magistrate Judges.

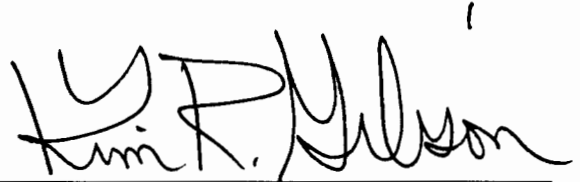
The Magistrate Judge filed a Report and Recommendation on June 11, 2015, docket no. 33, recommending that the motion be denied. The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to serve and file written objections to the Report and Recommendation. Petitioner filed timely objections, docket no. 34, that are without merit. Petitioner also filed a motion at docket no. 36 seeking to supplement his Rule 60 motion.

Upon de novo review of the record, the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 10th day of September 2015, it is

ORDERED that the Motion for Relief from Judgment, docket no. 32, is denied. The Report and Recommendation is adopted as the opinion of the Court. The Motion For Leave to Amend And/Or Supplement at docket no. 36 is denied as unnecessary. No certificate of appealability shall issue.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Kim R. Gibson', written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

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